

Application No. 10/604,428
Confirmation No. 1427
Attorney Docket No. D9446

Applicant also respectfully requests entry of the following amendments to the specification:

Please delete in the specification paragraph [0040].

Please add to the specification after paragraph [0048] a new paragraph that reads as follows:

Angular space – A volume of space having an angular boundary that is formed by the convergence of an interior surface and a recess floor towards the vicinity of a rotation axis.

REMARKS

Applicant submits these remarks in response to the Office Action mailed on August 5, 2004.

The Office has rejected pending claims 1-3, 5-8 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6457838 to Dugmore et al. Applicant respectfully traverses the rejection, but has amended the claims and specification. The amendments do not affect the scope of the invention as originally claimed, but are simply made for purposes of clarification and are not made for any purpose related to patentability.

At page 3 of the office action it is stated that:

The patent to Dugmore et al. discloses an apparatus (10) for hanging items having a body (14,16,18) having a recess (See Drawing Below), a hanging member 19 rotatably mounted within the recess on a rotation axis pin (22) and an angular space located at a first end of the hanging member between a floor of the recess and an interior surface of the hanging member. The hanging member (19) may form any angle between the floor and the end

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surface depending on the degree of rotation. Dugmore also teaches that the body (14,16,18) has a channel (72) for a belt support member (74) and a finger (See Drawing Below) extending from the hanging member.

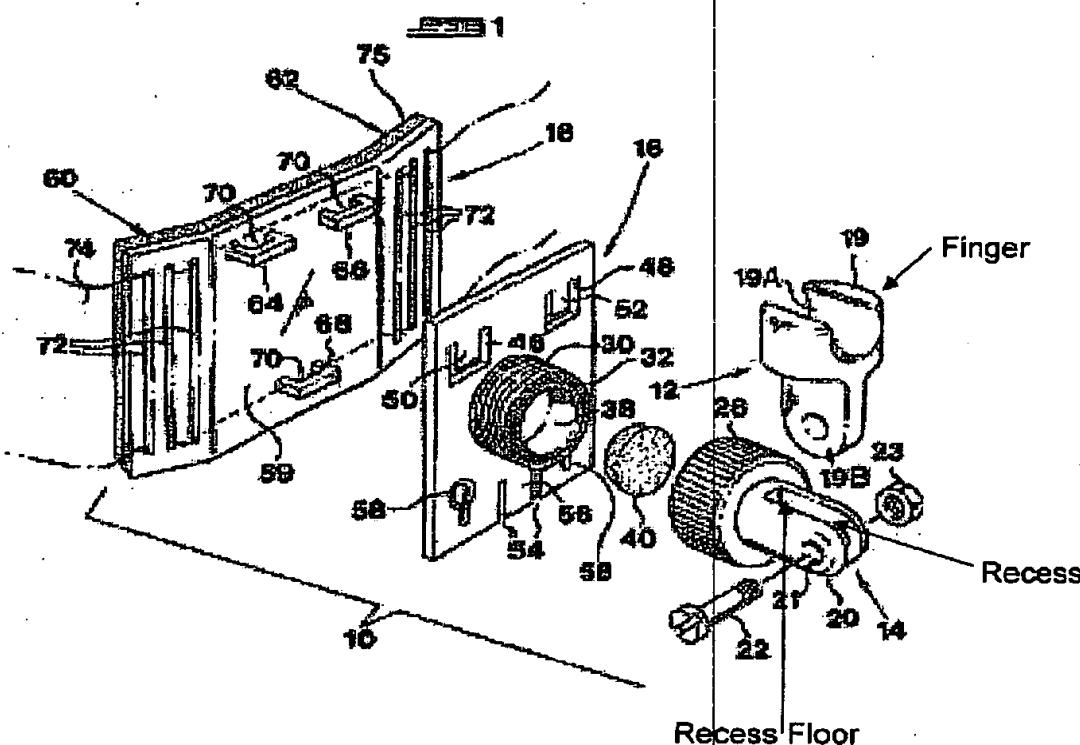


Figure On Page Three of Office Action

Applicant disagrees that Dugmore anticipates any of the pending claims:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vørdøgaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.

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1987). . . . "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

MPEP §2131.

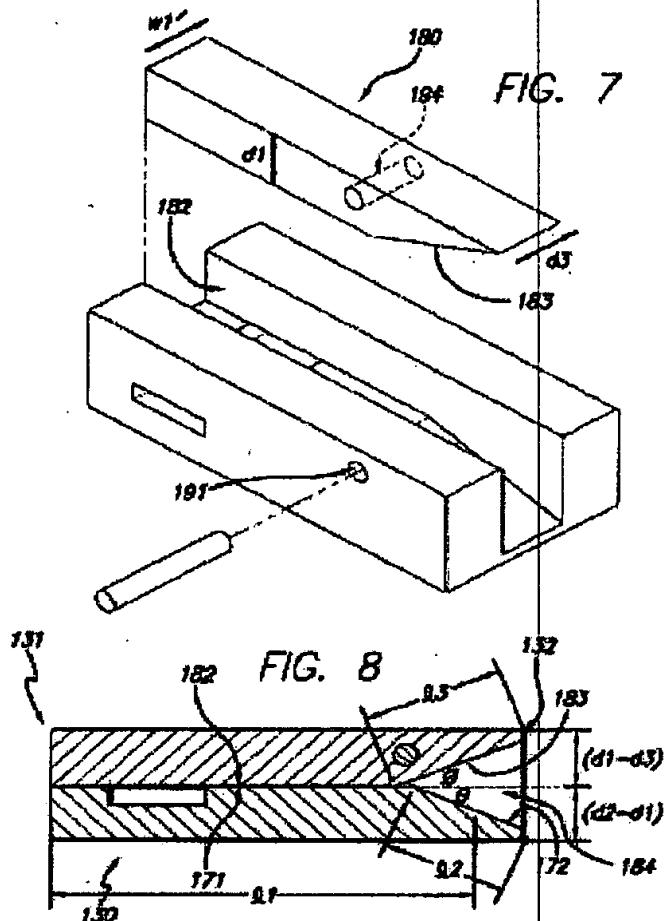
All pending claims of the application require, among other things, "an angular space located at said first end between a floor of said recess and an interior surface of said hanging member". Dugmore does not disclose, expressly or inherently, such an arrangement.

Applicant has amended the glossary term in the specification to further clarify the meaning of the term angular space as used in the claims. In particular, the term angular space in the claims means:

A volume of space having an angular boundary that is formed by the convergence of an interior surface and a recess floor towards the vicinity of a rotation axis.

An example of an angular space is shown in a preferred embodiment as illustrated in figures 7 & 8 from the application that are reproduced below:

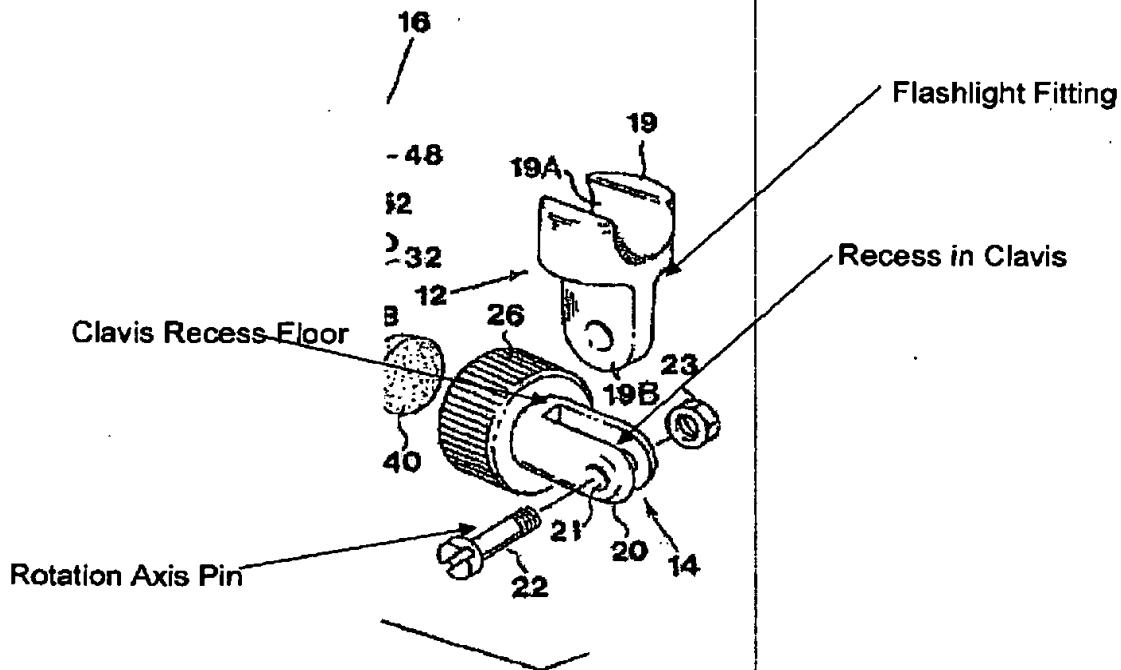
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One can see from the above illustrated preferred embodiment that angular space 184 located at a first end of hanging member 180 has an angular boundary that is formed by the convergence of interior surface 183 and recess floor 172 towards the vicinity of rotation axis 191. There is no such angular space disclosed by Dugmore at a first end of a hanging member.

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The apparatus of Dugmore is directed towards an adaptor for mounting a hand-held cylindrical flashlight to an object for hands-free use:



Exploded View From Fig. 1 Dugmore

There is no angular space at a first end of the flashlight fitting 12 (which examiner has equated to a hanging member) because there is no convergence between an interior surface of flashlight fitting 12 and the floor of the recess in clavis 20 towards the vicinity of rotation axis pin 22. The clavis recess floor does not extend towards the vicinity of the rotation axis, but rather extends in a plane parallel to that of the rotation axis. Thus, no matter what the degree of rotation of the flashlight fitting in the clavis, there will never be convergence between any surface of flashlight fitting 12 and the recess floor of clavis 20 towards the vicinity of rotation axis pin 22.

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Accordingly, Dugmore does not disclose a hanging apparatus with "an angular space located at said first end between a floor of said recess and an interior surface of said hanging member" as required by the Applicant's claims. Thus Dugmore does not teach each and every element of the pending claims, and thus does not anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant also traverses the assertion that all other required elements of the pending claims as properly construed are disclosed in Dugmore, but for purposes of brevity Applicant has elaborated only on the absence of disclosure in Dugmore of the required angular space element, as Applicant is only required to show how one element of the claims is not disclosed by Dugmore in order to rebut the assertion of anticipation. *Id.*

The office action states at page 4, presumably regarding method claim 8, that:

Dugmore et al. also discloses the method having the steps of inserting the support member through the channel, securing the body to an object and with the support member, pressing on the first end so as to rotate the hanging member about the rotation axis until the interior surface and the floor made contact, the interior of hanging member will touch the floor if rotated until it touches the recess floor and hanging an item on a second end of the hanging member that extends away from the body at an angle.

Applicant respectfully disagrees with these assertions of the Office. Aside from the fact that the method of claim 8 requires the use of a hanging apparatus that has an angular space not disclosed by Dugmore as explained above, there is absolutely no mention or suggestion anywhere in Dugmore about pressing on a first end of the flashlight fitting until an interior surface makes contact with the

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floor of the clavis recess. Indeed, there is no disclosure in Dugmore of any surface of the flashlight fitting making contact with the clavis recess floor. In fact the disclosure of Dugmore shows that no surface of the flashlight fitting will ever be in contact with the clavis recess floor because it would be blocked at the extremes of its rotation by either circumferential flange 24 or locking sleeve 26:

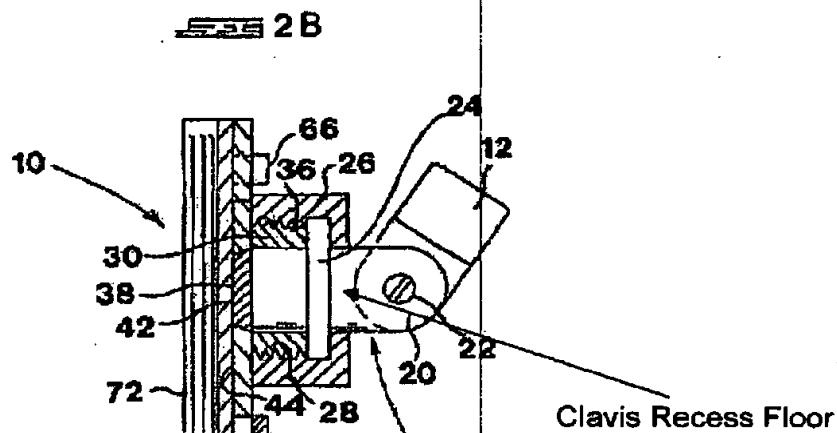


Figure 2B from Dugmore

It is also clear from the disclosure of Dugmore that at all angles of rotation only one end of the flashlight fitting (end 19A) extends out of the clavis recess. That is the end that is both pressed to rotate the flashlight fitting about the rotation axis pin and to hang the flashlight. There is no second end of the flashlight fitting that extends out of the clavis recess to hang an item on, when a first end is pressed into contact with a recess floor, as required by applicant's method claim 8 and illustrated in the specification and drawings:

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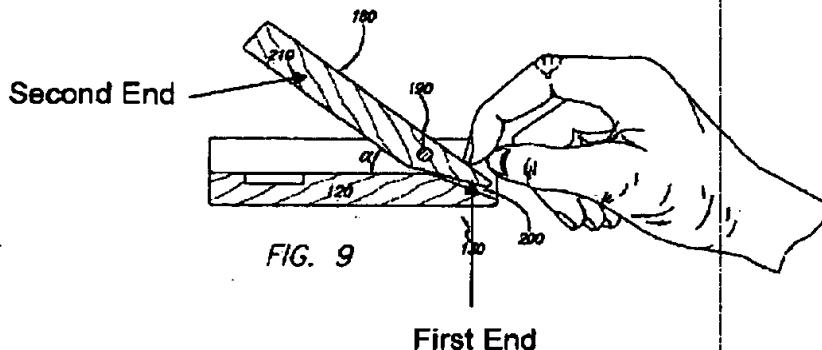


Figure 9 From Application

CONCLUSION

It is respectfully submitted that the present application as amended is in condition for allowance, and Applicant requests that the Office promptly issue a notice of allowability. The examiner is invited to contact the undersigned attorney for Applicant with any questions or comments concerning this matter.

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